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ABSTRACT

The New York State Board of Regents has established that state educational policy and practices must help limited-English-proficient (LEP) students enter the English mainstream as quickly as possible, while regarding the first language as an important cultural asset and a useful academic tool. These policies state the following: (1) all students must become proficient in English and, to the extent possible, in another language, and that all students should understand and respect their own and other cultures; (2) educational access, equity, and excellence are to be promoted for language-minority and LEP students, to develop English proficiency and maintain native language proficiency; (3) programs for language-minority and LEP students are to be staffed by qualified professionals; (4) parents and guardians of this population should be encouraged to participate in their children's education; and (4) the needs of the LEP population must be considered in the development of all state education department initiatives, with appropriate measures taken to address those needs. Appended materials include a list of references, definitions of terminology, notes on the legal rights of LEP and language-minority students, descriptions of common program designs, and a list of policy committee members. (MSE)

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Regents Policy Paper and Proposed Action Plan for Bilingual Education

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Regents Policy Paper and Proposed Action Plan for Bilingual Education

The University of the State of New York
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Winter 1989

THE UNIVERSITY OF THE STATE OF NEW YORK

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Now, some of us who have been here for thousands of years, as well as some of us who came from Europe and from Asia, from Mexico and India, from Puerto Rico and the wide ranges of Latin America, may join with those children of Africa and the United States . . . together we may stand in the river, transformed and transforming, listening to its laughter and burning with its tears, recognizing in that ancient flow the indelible marks of human blood, yet grounded and buoyed by hope, courage and unfathomable, amazing grace. Keeping the faith, creating new faith, we may enter the terrible and magnificent struggle for the re-creation of America.

— *Vincent Harding*

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FOREWORD

As a port of entry from every part of the globe, and as home to eight Native American groups, New York State possesses unique resources of multilingualism and cultural pluralism. The changing demographics of our State make it more urgent than ever before that we develop these resources effectively. By the year 2000, nearly one-third of the State's population is projected to be made up of minorities, predominantly African-American and Hispanic. As of 1984, there were 29 language groups in the State with 1,000 or more speakers. In an increasingly competitive and technological world, we cannot succeed unless all people in our State are not only proficient in English, the language of common usage among Americans, but also receptive to learning about the cultures and languages of other peoples.

When you speak to children of limited English proficiency in our State, you soon realize that they know clearly what their goals are: they want to become proficient in English while retaining the integrity and value of their cultural and linguistic heritage. They want opportunity equal to that of all other Americans — the opportunity as individuals to use their unique gifts and talents to the fullest. And indeed, for American society in an increasingly interconnected world, their gift of fluency in other languages and cultures represents an asset to be cultivated as they gain proficiency in English.

In December 1988, the Board of Regents responded to these concerns by unanimously approving a "Regents Policy Paper and Proposed Action Plan for Bilingual Education." This policy statement is a far-reaching blueprint with short-term and long-term goals. We expect to implement many of the short-term goals by 1992, to coincide with the 500th anniversary celebration of Columbus' voyage to the Americas. The long-term goals will take us into the year 2000 and beyond.

To implement these goals, the Policy Paper calls for administrative action, new and redirected resources, regulatory changes, and new legislation. Their implementation also requires extensive collaboration among all sectors of our society, including the Legislature, the Governor, the Education Department and other governmental agencies, local school districts, institutions of higher education, community groups, labor unions, parents, students, professional organizations, and the private sector. I am confident that through our combined efforts, the goals outlined in the Policy Paper will be achieved.

The Policy Paper establishes New York State as a leader in recognizing the needs of students with limited English proficiency and in recognizing that native languages other than English are a valuable resource. It provides the State with a long-range vision of bilingual proficiency, not only for native speakers of languages other than English, but for all New Yorkers.

The Regents recognize that New York State and the nation have a practical as well as a moral stake in achieving equal educational opportunity for limited English proficient and language minority students. In the interest of all New Yorkers, we commit ourselves to this goal.

The Regents believe that the single greatest investment that New York State can make is in our children. We are convinced that this investment will be returned manifold by these students' increased contributions to our society.

Martin C. Barell

MARTIN C. BARELL
Chancellor

September 1989

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I EXECUTIVE SUMMARY

For many years, the education of limited English proficient (LEP) students has been one of the Regents major goals, and they have taken many steps toward this goal. Now changes in the educational environment, in demographic trends, and in the international arena have made this goal even more crucial. The numbers of limited English proficient and language minority students have increased; and as demand for linguistically skilled persons has risen in both the public and the private sectors, the value of bilingualism becomes more and more evident.

These changes have implications for education. Children of limited English proficiency must be helped into the English-speaking mainstream as quickly as possible. At the same time, the child's first language should be regarded as an important cultural asset as well as a useful tool in learning English and school subjects.

In order to meet this challenge, new policies and practices are needed.

It shall be the policy of the Regents that:

1. **All students in New York State become proficient in English, and to the extent possible, in another language, and that all students understand and respect their own and other cultures;**

2. **Educational access, equity and excellence be promoted for language minority and limited English proficient students so that they become proficient in English and remain proficient in their first language;**

3. **Programs for language minority and limited English proficient students be staffed by qualified professionals;**

4. **Parents and guardians of language minority and limited English proficient students be actively encouraged to participate in their children's education;**

5. **The needs of language minority and limited English proficient students be considered in the development of all State Education Department initiatives, and that appropriate measures be taken to address these needs.**

The following pages expand upon these policies and suggest strategies to put them into effect.

II. BRIEF HISTORY

The Regents and the State Education Department have provided increasing services to limited English proficient and language minority students over the past 20 years. A brief history follows:

- **1969:** Bilingual Education Unit was established by the Education Department in order to provide technical assistance to districts developing programs for language minority students and to administer State bilingual education funds.
- **1970:** Education Law s. 3204 was amended to allow school districts to provide instruction in languages other than English for students with limited English proficiency.
- **1972:** The Regents issued the first State position paper on bilingual education, "BILINGUAL EDUCATION - A Statement of Policy and Proposed Action by the Regents of The University of the State of New York."
- **1973:** The New York State Legislature authorized the release of $1.5 million in categorical funding for bilingual education programs. This amount had increased to $8 million by 1988.
- **1977:** The Bilingual Education Unit was upgraded to a bureau with regional offices in Albany, Buffalo, Long Island, and New York City. (The Buffalo office was closed in 1985 because of lack of funding.)
- **1980:** The Regents approved *Parts 80.9 and 80.10 of the Regulations of the Commissioner of Education*, establishing certification requirements for teachers of bilingual education and English as a second language.
- **1981:** The Regents approved alternative competency testing procedures for limited English proficient students to assure their equal access to State-endorsed diplomas. The Regents

Competency Test in Mathematics and a Native Language Writing Test were provided in 29 separate language versions.

- **1981:** The Regents approved *Part 154 of the Regulations of the Commissioner of Education*, outlining services to limited English proficient students in State-approved programs.

- **1981:** The New York State Legislature approved an additional five percent in General State Aid to districts providing approved services to limited English proficient students. This apportionment has been raised several times, to a 1989 level of 15 percent.

- **1982:** The New York State Legislature approved Chapter 827 of the Laws of 1982, an amendment of Education Law s. 3204, to authorize expanded services to limited English proficient students in New York State.

- **1983:** The Education Department developed and issued the "New York State Core Curriculum for English as a Second Language in the Secondary Schools."

- **1983:** A network of Bilingual Education Technical Assistance Centers, located in Boards of Cooperative Educational Services Centers and large cities throughout the State, was created by the Education Department to assist schools serving limited English proficient students.

- **1984:** The Education Department provided funds for a Two-Way Bilingual Education Program. The program provides instruction in English and a second language to both limited English proficient and English proficient students, enabling districts to promote the simultaneous development of English and the student's native language.

- **1988:** *Guidelines for Services to Handicapped Students with Special Education Needs in New York State* were developed by the Education Department. These guidelines outline requirements for the appropriate identification, referral, and placement of limited English proficient students having or suspected of having handicapping conditions.

Despite this history of increasing activity, the necessary steps to achieve the Regents goals have yet to be fully developed and implemented. Since the Regents first bilingual policy paper in 1972, there have been significant changes in the educational environment, in

demographic trends, and in the international arena. The numbers of limited English proficient and language minority students have increased; and as the value of bilingualism becomes more and more evident, demand for linguistically skilled persons has risen in both the public and the private sectors. Although the original concept of the 1972 policy paper has been retained, the *Regents Policy Paper and Proposed Action Plan for Bilingual Education* contains revisions to address the challenging socioeconomic, cultural, and educational realities of today's society.

III. THE CHALLENGE

New York State's population, like that of the nation, is undergoing profound demographic changes as it approaches the year 2000. School districts need to be aware of these changes and their implications for educational programs. One such change is growth in the language minority population. Most experts predict that this growth will continue, given projected increases in immigration and the higher birth rates at this population's younger age. The following data illustrate the rapid changes which are occurring:

- By the year 2000, nearly one-third of New York State's population is projected to be minority, predominantly African-American and Hispanic. This will represent an increase from 4.4 million to 5.8 million; meanwhile, the white population is expected to decline from a 1981 level of 13.1 million to less than 12.8 million.
- The number of people who do not speak English at home has also increased nationwide, from 28.0 million in 1976 to 30.0 million in 1980. Further increases are projected: to 34.7 million in 1990 and 39.5 million in 2000. While this population encompasses many different language groups, those who speak Spanish are expected to increase most rapidly — to 46 percent of the non-English-speaking population by the year 2000.
- The number of limited English proficient children ages 5 to 14 will rise from 2.4 million in 1985 to 3.4 million in the year 2000.
- In New York State, two out of five of those reporting that they speak languages other than English speak Spanish; in addition, there are 28 other languages or language groups in the State with 1,000 or more speakers.

These changes have implications for education. Children of limited English proficiency must be helped into the English-speaking mainstream as quickly as possible. At the same time, the child's first language should be regarded as an important cultural asset as well as

a useful tool in learning English and school subjects. Research over the past two decades on the education of language minority and limited English proficient students lends strong support for developing students' native language and literacy skills while they learn English. Several recent studies and syntheses lend powerful support to the notion that learning a second language — as well as general academic achievement — is enhanced by prior learning in the student's native language (see Appendix D). On the other hand, "limited bilingualism," that is, less than native-like proficiency in either the mother tongue or the second language, has been associated with impeded cognitive development and lowered academic achievement.

Worldwide, when immigrants with good literacy skills in their own languages are tested for reading and academic achievement in their adopted languages, they consistently score higher than native speakers who have lacked sufficient opportunity to develop such skills. Taken together with the above, these findings suggest that the poor academic performance of language minority students in the United States stems not from their language or cultural differences, but rather from the lack of appropriate educational services available to them.

Educators seeking to meet the needs of increasing numbers of limited English proficient and language minority students face a complex challenge. Despite the complexities, the components of the problem can be identified. They include the following:

- Limited English proficient or language minority students have *limited access* to educational programs which are readily available to their English-speaking peers;
- Parents of limited English proficient students, who are often non-English speaking themselves, have *limited participation* in their children's education;
- Acute shortages of appropriately *certified bilingual teachers* and support personnel make it very difficult for school districts to provide needed and appropriate services for limited English proficient students;
- Present regulations require limited English proficient students to *leave bilingual education programs too soon*, before they are ready to function effectively in English-only classrooms. At present, students must leave bilingual education programs when they score above the 23rd percentile on a test of English proficiency. However, this level of proficiency is too low. Experience and research indicate that performance at or above the 40th percentile

is necessary if language minority students are to learn adequately using English only.

- *State and local curricula* do not adequately reflect the linguistic and cultural backgrounds of language minority students, contributing to losses in native language proficiency, self-esteem, and cultural pride;
- Limited English proficient and language minority students, particularly those who are Hispanic, have disproportionately *low academic achievement and school completion rates;*
- Limited English proficient or language minority students, more often than other students, are referred inappropriately to *special education* programs;
- Limited English proficient students are underrepresented in *occupational education* programs;
- Hispanics are not enrolled in undergraduate *colleges and universities* at levels equal to their share of the State's population;
- Disproportionately high numbers of limited English proficient high-school students are one or more years *older than the expected age for their grade level;*
- Educational needs of *Patois- or Creole-speaking* students from the Caribbean have been largely ignored, frequently resulting in their inappropriate placement in special education programs or other programs which do not meet their needs. Further problems arise for these students because of a lack of trained staff and of instructional materials which address their special linguistic and cultural needs.

The demographic projections for the year 2000 make the urgency of addressing these problems self-evident. Without providing the highest quality services possible to this dynamic, energetic young population of limited English proficient and language minority students, New York State cannot sustain its economic growth and development or improve the quality of life for all its people.

Clearly, given these complex and interrelated elements, addressing the problems will not be easy. Commitment, diligence, and time will be required to make long-term, systematic changes. However, the opportunity to achieve meaningful change has never been greater. The policy recommendations and subsequent strategies for action which follow will provide leadership and timely impetus for one of the most crucial educational challenges facing us today: to assure equity and excellence for limited English proficient and language minority populations.

The Regents are committed to full, equitable, and successful participation in New York's educational system by all State residents, including those whose native language is not English. In keeping with this commitment, in December 1988 the Regents approved a Policy Paper on Bilingual Education aimed at:

- improving educational access, equity, and standards of excellence for limited English proficient and language minority students;
- promoting recognition, appreciation, and respect for linguistic and cultural pluralism;
- increasing participation of language minority parents in their children's education; and
- employing adequate numbers of qualified Bilingual and English as a Second Language staff.

The nature and magnitude of these goals require a comprehensive, coordinated approach that involves State government, educational institutions, private industry, parent groups, and others. With coordination, resources, and encouragement, improvements can move forward steadily and incrementally.

The following policy recommendations and strategies for action reflect the breadth of the problem. They are based on extensive review of the literature, including other reports, and on advice from groups within and outside the Department. The recommendations and subsequent strategies for action benefit not only language minority students, but the educational system as a whole and society at large. Many of the recommendations in this paper have been set forth and endorsed previously in both statewide and national reports. This suggests that there is a broad base of support for their adoption and

implementation. We must take the initiative now and not slacken our efforts until the social, educational, and economic changes needed to make equal opportunity an accomplishment, rather than an objective, have been realized.

The recommendations and policies in this paper seek to eliminate the major obstacles to serving limited English proficient students. No one paper or action plan can solve all the problems. However, these policy recommendations and strategies for action will make a significant advancement towards equity for limited English proficient students.

The policies follow. They are based on seven principles:

1. All students must have an appreciation and understanding of their own and other languages and cultures.

In addition, language minority and limited English proficient students must:

2. Be assured educational equity and excellence;
3. Become fully proficient in English;
4. Be taught the entire curriculum for their age and grade level, in addition to English;
5. Be tested in a fair and unbiased manner;
6. Be held accountable for learning;
7. Be taught by teachers who are held accountable for teaching the curriculum to students in their classrooms.

1. **It shall be the policy of the Regents that all students in New York State become proficient in English, and to the extent possible, in another language, and that all students understand and respect their own and other cultures.**

To this end, the Regents will initiate action so that students:

- develop full proficiency in speaking, reading, writing, and communicating in English and languages spoken at home;
- learn about the cultures from which they and their families are descended as well as United States and New York State history and culture;
- pursue State and local curricula which teach about the values of their own and other cultures.

2. **It shall be the policy of the Regents that educational access, equity and excellence be promoted for language minority and limited English proficient students so that they become proficient in English and remain proficient in their first language.**

   To this end, the Regents recommend that language minority and limited English proficient students:

   - have equal access to and participate in early childhood, elementary, middle, secondary, occupational and postsecondary educational programs which promote development in all curriculum areas, commensurate with their ages, grade levels, and language proficiency;
   - receive encouragement and support to complete their education;
   - be identified for special assistance by the use of appropriate, unbiased instruments, techniques, and reference points which effectively predict potential for success in English mainstream settings;
   - have their academic progress measured by instruments designed for second language learners;
   - participate in high-quality bilingual or English as a second language programs;
   - receive the appropriate support services to assure access to a high-school diploma;
   - be held accountable to the same educational goals and standards as the general student population.

3. **It shall be the policy of the Regents that programs for language minority and limited English proficient students be staffed by qualified professionals.**

   To this end, the Regents will initiate action to:

   - increase the pool of English as a second language and bilingual teachers, support personnel, guidance counselors, and supervisors;
   - ensure that all teachers demonstrate understanding of such students' educational needs and respect their culture, race, socioeconomic background, and the language of their home;
   - promote affirmative action and equal opportunity in recruit-

ment, hiring, and promotion of minority and bilingual personnel at all levels of education;

- provide training for all school personnel to increase their knowledge, sensitivity, and understanding of the cultures of the language minority populations.

4. **It shall be the policy of the Regents that parents and guardians of language minority and limited English proficient students be actively encouraged to participate in their children's education.**

   To this end, the Regents recommend that special efforts be initiated to:

   - ensure that parents and guardians receive information about their children's education in the languages they understand;
   - assist parents and guardians to become effective equal partners in their children's education;
   - include parents and guardians in school planning and decision making;
   - develop and seek funding for programs which accomplish these ends.

5. **It shall be the policy of the Regents that the needs of language minority and limited English proficient students be considered in the development of all State Education Department initiatives, and that appropriate measures be taken to address these needs.**

   To this end, the Regents will initiate action to:

   - heighten awareness of such students' needs among State Education Department staff;
   - develop a plan to assure that Regents policies for such students are fully implemented, and that all State Education Department services and resources are effectively coordinated;
   - review the plan every three years to determine progress toward the policy goals; and
   - develop legislative proposals, regulations, and funding requests to increase services for such students.

APPENDICES

A. REFERENCES

B. DEFINITIONS

C. LEGAL RIGHTS OF LIMITED ENGLISH PROFICIENT AND LANGUAGE MINORITY STUDENTS

D. PROGRAMS FOR LIMITED ENGLISH PROFICIENT STUDENTS

E. COMMITTEE FOR THE DEVELOPMENT OF THE REGENTS DRAFT POLICY PAPER AND PROPOSED ACTION PLAN FOR BILINGUAL EDUCATION

Appendix A

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Appendix B

DEFINITIONS

Language minority students come from diverse ancestries and linguistic backgrounds. Many language minority students come from homes and communities where a language other than English is spoken. Some language minority students understand and speak little or no English, while others may be English proficient. It is also common for language minority students to be monolingual in English.

Many language minority students who possess varying degrees of speaking, reading, and writing abilities in English as well as in their home language are said to be bilingual. However, those that have had formal education in reading and writing their native languages have a better chance of becoming "balanced bilinguals" and are therefore more likely to benefit scholastically, socially, and economically from their highly coveted bilingual skills.

A language minority student who understands and speaks little or no English may be foreign-born or from a home where English is not spoken, irrespective of place of birth. Such students who score below the statewide reference point on a standardized test of English are classified as limited English proficient (LEP). It is important to note that not all language minority students are limited English proficient, just as not all language minority students are bilingual.

Just as in the total student population, individual differences manifest themselves proportionately among the limited English proficient segment. Some limited English proficient students are gifted and talented; many are average learners; some need remediation in content areas; and some require special education services for handicapping conditions.

Bilingual Education: Instruction in English and the native language which facilitates academic progress and oral language and literacy skills in two languages. It provides limited English proficient students with content instruction in the native language and English, native language arts instruction, and instruction in English as a second language.

English as a Second Language (ESL): Also referred to as English to Speakers of Other Languages (ESOL). A specific discipline which uses an approach allowing students to learn English systematically and cumulatively, moving from concrete to abstract levels of language in a spiraling fashion. A quality English as a second language program is sensitive to the student's first language and

culture and also incorporates contrastive analyses and multicultural education to facilitate the student's integration into the culturally pluralistic mainstream. Furthermore, the program must address the four skills areas of understanding, speaking, reading, and writing English.

Language Assessment Battery (LAB): Used as the criterion for determining limited English proficient status in New York City. The test assesses a student's reading, writing, listening comprehension, and speaking skills in English and Spanish in order to determine language dominance.

Language Minority: Individuals from homes or ancestries where languages other than English are spoken.

Limited English Proficient (LEP): Individuals who, by reason of foreign birth or ancestry, speak a language other than English, and either understand and speak little or no English, or score below the statewide reference point or its equivalent on an English language assessment instrument approved by the Commissioner.

Multicultural Education: An educational concept that provides students with instruction and educational experiences that help them to achieve the following goals:

- to respect and appreciate cultural diversity
- to overcome ethnocentric and prejudicial attitudes
- to understand the sociohistorical, economic, and psychological factors that produce ethnic polarization, inequality, and alienation
- to analyze critically and make intelligent decisions about real-life problems and issues through democratic inquiry
- to envision a better society and acquire the necessary knowledge, understanding, and skills to move the society toward greater equality and freedom.

Second Language: A language, other than the one spoken at home, that is acquired by formal schooling and/or by interpersonal contact with native speakers.

Two-Way Bilingual Education Program: One which employs two languages, one of which is English, for the purposes of instruction, and involves students who are native speakers of each of these languages. Both groups of students, the limited English proficient and the English proficient, have the opportunity to become bilingual and biliterate. They learn curricula through their native language and second language while continuing to develop skills and proficiency in both languages.

Appendix C

LEGAL RIGHTS OF LIMITED ENGLISH PROFICIENT AND LANGUAGE MINORITY STUDENTS

The Board of Regents is committed to ensuring equity, access and excellence through appropriate bilingual education programs for limited English proficient and language minority students.

A fundamental tenet of bilingual education is that everyone living in our society — including those whose languages and cultures are different — must be equipped to participate meaningfully in the mainstream. This tenet has been affirmed repeatedly by legislation, Supreme Court decisions, agreements with the Office of Civil Rights, and court orders, focusing on limited English proficient students. The lack of appropriate educational programs for these students has been found to constitute denial of equal educational opportunity, a right guaranteed by the Fourteenth Amendment of the Constitution of the United States, by Title VI of the Civil Rights Act of 1964, and by the Equal Educational Opportunities Act of 1974.

The right of language minority persons to services which will give them a meaningful opportunity to participate in the educational program was recognized by the United States Supreme Court in *Lau* v. *Nichols* (1974). The courts in New York and other states have subsequently ruled that the most effective way to ensure equal access to education is to use the student's existing language and conceptual skills to foster intellectual development while building English language proficiency. Court decisions involving New York City (1974), Brentwood (1978), and Patchogue-Medford (1978) have adopted this approach.

The first recognition of the unique educational needs of children with limited English-speaking ability came from the United States Congress when it passed the Bilingual Education Act of 1968. This was the first official recognition that language barriers prevent equal access to educational opportunities and services, and that efforts to bridge these gaps should respect the nature, language, and culture of individuals. The Act provides Federal funding for bilingual education services.

On May 25, 1970, the Office of Civil Rights issued a memorandum that clarified the responsibility of school districts to provide equal educational opportunities to national origin minority group students

deficient in English language skills. The May 25, 1970 memorandum stated:

Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

In 1972, Aspira of New York, Inc., filed a class action suit against the New York City Board of Education on behalf of Puerto Rican and other Hispanic students. The plaintiffs claimed that thousands of Spanish-speaking students were not receiving appropriate instruction to meet their linguistic and cultural needs. After testimony, negotiations and a review of the legal issues, the parties entered into an agreement in August, 1974. This agreement, known as the Consent Decree, requires that all Spanish-surnamed students be tested to determine English language proficiency. In 1975 a Federal District Court determined that Hispanic-surnamed pupils who score below the 20th percentile on an English Language Assessment Battery (LAB) will take a Spanish L.A.B. Those whose scores on the Spanish L.A.B. exceed their scores on the English L.A.B. will be within the class of individuals entitled to bilingual services under the Consent Decree (*Aspira of New York, Inc.* v. *Board of Educ. of the City of New York*, 394 F Supp 1161).

In 1977, the New York City Board of Education was required by the Office of Civil Rights to develop a plan for services to limited English proficient students who come from other than Spanish language backgrounds, thus complying with the requirements set forth by the Office of Civil Rights' 1975 *Lau* Guidelines. Both the court order and the Office of Civil Rights plan in New York City require that limited English proficient students be provided with instruction in English as a second language, native language arts instruction, and subject-area instruction in the native language. These requirements continue in force in New York City.

Education Law #3204(2-a), Chapter 827 of the Laws of 1982, states that districts receiving State funds for the education of pupils with limited English proficiency (LEP) must comply with State law and the standards set forth in part 154 of the Commissioner's Regulations. Bilingual programs shall be designed to provide:

- content instruction using the native language and English;
- native language instruction; and
- English as a second language instruction.

English as a second language programs must be designed "to develop skills in listening, speaking, reading and writing the English language, and assist in the learning of content areas through monolingual instruction in English" (Education Law #3204[2-a][5]). If a district has 20 or more LEP pupils of the same grade level assigned to the same building, all of whom have the same native language other than English, the district must provide those pupils with a full bilingual education program, including instruction in English as a second language (8 NYCRR 154.3[c][1]). If the district has fewer than 20 LEP students of the same grade level assigned to a building, all with the same native language which is other than English, the district must provide instruction in English as a second language and *may* also provide a program of bilingual education for those students (8 NYCRR 154.3[c][2]). The Education Law sets forth specific criteria for determining pupil eligibility for LEP services, and states that such services shall be provided to eligible students for a period of three years. Upon application to the Commissioner, the three-year time limit can be extended to a period not in excess of six years from the date of the pupil's enrollment in school (Education Law #3204[2]).

Appendix D

PROGRAMS FOR LIMITED ENGLISH PROFICIENT STUDENTS

The list below, although it is not exhaustive, describes programs most commonly used in New York State and in the nation.

Bilingual Education

A bilingual education program is designed to help students acquire English proficiency while continuing to learn the subject areas appropriate to their age and grade level.

Bilingual education programs can be broadly grouped into two categories: full bilingual education ("two-way bilingual education"), and "transitional bilingual education" (Part 154 model). Although the two programs share many characteristics, the student participants differ; and the ultimate goals, such as the emphasis placed on linguistic and cultural development, may differ as well.

In a *two-way bilingual education* program both limited English proficient (LEP) and English proficient students work together toward proficiency in speaking, understanding, reading and writing English and another language, using both languages in all areas except language instruction. The *transitional bilingual education* program is designed primarily for LEP students to acquire the level of English proficiency they need to succeed in an English-only learning environment. Once students have achieved the specified level of proficiency in English, they exit from the transitional bilingual program. Both kinds of program are currently operating and will continue to operate in New York State, although the vast majority are transitional programs. The bilingual program required under Part 154 of Commissioner's Regulations is a transitional bilingual program.

Many studies have shown that bilingualism is an asset. One widely cited study found that bilingual children exhibited greater "cognitive flexibility" than monolingual children: knowing more than one language gave them a wider range of alternatives in problem-solving (Peal and Lambert, 1962). This finding has since been confirmed by other studies (Anisfeld and Lambert, 1964; Torrance et al, 1970; and Balkan, 1970). A growing number of documented case studies also show that bilingual children can become gifted readers in two languages by the time they enter school at age six or seven (Lado, 1982).

The goal of transitional bilingual education in the United States has been to teach language minorities English with little attempt to develop their native language skills. The compensatory nature of the program has forced us to look only at the students' deficits in English, and not focus on the strengths of the language and cultural resources they bring with them to school. In addition, large numbers of language minorities in the United States with limited English skills are relegated to lower socioeconomic status and suffer in an educational milieu which does not recognize the value of their cultural and linguistic heritages and has not attempted to assess or address their needs holistically (Spener, 1988).

English as a Second Language

"The teaching *of* English to limited English proficient students is not to be confused with simply teaching *in* English or the teaching of English to native speakers of that language" (New York State Education Department, 1982).

English as a second language is a specific discipline which uses an English as a second language approach allowing students to learn English systematically and cumulatively moving from concrete to abstract levels of language in a spiralling fashion. An English as a second language program is sensitive to first languages and cultures of the students and facilitates their integration into the culturally pluralistic mainstream.

An English as a second language program addresses both social English and academic English. Social English is developed informally through interaction with native speakers and formally in a classroom setting. Academic English, however, must be developed in a classroom setting.

English as a second language content area classes teach students subject matter while developing their English language skills through second language acquisition strategies. The program develops skills in understanding, speaking, reading, writing and communicating in English. It prepares students to compete in the mainstream.

Although all English as a second language programs share the same ultimate goal of helping the student learn English, numerous English as a second language methodologies are currently in use within and outside of bilingual programs in New York State schools. Among these are: *Audiolingual*, where linguistic skills are presented through pattern drills; *Counseling Learning*, following the precepts of

transactional analysis, where the student is made to feel comfortable, and language learning progresses through stages from initial translation to the final stage of total linguistic independence; the *Natural Approach*, focusing on language acquisition rather than on language learning; and English through drama, music, art, poetry, and carefully structured content area instruction, known as *Sheltered English*.

Language Immersion

Innovative second language programs have emerged in keeping with research by Cummins (1981) and others, which suggests that children should not be placed in English mainstream classrooms until they have developed solid cognitive skills in the native language.

Programs, such as bilingual immersion programs, also referred to in the literature as two-way bilingual programs, are state-of-the-art attempts to improve the education of language minority students in the United States. These programs also help native speakers of English to learn other languages. In two-way programs, limited English proficient students (who require English as a second language instruction and continued native language development) learn side-by-side with speakers of English who continue to develop their own native language skills while learning Spanish (or another language) as a second language (Snow, 1986). The benefits of this type of program are numerous, including affective as well as cognitive dimensions.

The term "immersion" achieved popularity as a result of reported successes in the Canadian French-English immersion programs (Tucker, R., 1980). However, there are some important fundamental differences between the Canadian experience and ways in which such programs can be successfully implemented in the United States. The goal of the Canadian immersion program was to improve the acquisition of French (a minority language) by middle- and upper-class English-speaking students. The English-speaking students, while immersed in French, continued to develop and maintain their skills in English, their mother tongue. Participation was also voluntary by parents who wanted their children to learn two languages. The well-financed program provided for the latest curriculum materials, the best and brightest teachers, and ongoing longitudinal research (Willig, 1985).

Appendix E

COMMITTEE FOR THE DEVELOPMENT OF THE REGENTS POLICY PAPER AND PROPOSED ACTION PLAN FOR BILINGUAL EDUCATION

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END

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